

By: Senator(s) Tollison, Dickerson

To: Appropriations

SENATE BILL NO. 2877

1 AN ACT TO AMEND SECTION 47-5-901, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE REIMBURSEMENT RATE PAID TO COUNTIES FOR HOUSING  
3 STATE INMATES; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 47-5-901, Mississippi Code of 1972, is  
6 amended as follows:

7 47-5-901. (1) Any person committed, sentenced or otherwise  
8 placed under the custody of the Department of Corrections, on  
9 order of the sentencing court and subject to the other conditions  
10 of this subsection, may serve all or any part of his sentence in  
11 the county jail of the county wherein such person was convicted if  
12 the Commissioner of Corrections determines that physical space is  
13 not available for confinement of such person in the state  
14 correctional institutions. Such determination shall be promptly  
15 made by the Department of Corrections upon receipt of notice of  
16 the conviction of such person. The commissioner shall certify in  
17 writing that space is not available to the sheriff or other  
18 officer having custody of the person. Any person serving his  
19 sentence in a county jail shall be classified in accordance with  
20 Section 47-5-905.

21 (2) If state prisoners are housed in county jails due to a  
22 lack of capacity at state correctional institutions, the  
23 Department of Corrections shall determine the cost for food and  
24 medical attention for such prisoners. The cost of feeding and  
25 housing offenders confined in such county jails shall be based on  
26 actual costs or contract price per prisoner not to exceed  
27 Twenty-five Dollars (\$25.00) per day per offender.

28           (3) Upon vouchers submitted by the board of supervisors of  
29 any county housing persons due to lack of space at state  
30 institutions, the Department of Corrections shall pay to such  
31 county, out of any available funds, the actual cost of food, or  
32 contract price per prisoner, not to exceed Twenty-five Dollars  
33 (\$25.00) per day per offender as determined under subsection (2)  
34 of this section for each day an offender is so confined beginning  
35 the fifth day following the date the offender is committed and  
36 taken into custody by the sheriff and will terminate on the date  
37 on which the offender is released or otherwise removed from the  
38 custody of the county jail, and shall pay the actual cost for  
39 medical attention for prisoners unless the Commissioner of  
40 Corrections shall find that the costs of any medical services  
41 rendered are unreasonable. Such payment shall be placed in the  
42 county general fund and shall be expended only for food and  
43 medical attention for such persons.

44           (4) A person, on order of the sentencing court, may serve  
45 not more than twenty-four (24) months of his sentence in a county  
46 jail if the person is classified in accordance with Section  
47 47-5-905 and the county jail is an approved county jail for  
48 housing state inmates under federal court order. The sheriff of  
49 the county shall have the right to petition the Commissioner of  
50 Corrections to remove the inmate from the county jail. The county  
51 shall be reimbursed in accordance with subsection (2).

52           (5) The Attorney General of the State of Mississippi shall  
53 defend the employees of the Department of Corrections and  
54 officials and employees of political subdivisions against any  
55 action brought by any person who was committed to a county jail  
56 under the provisions of this section.

57           (6) This section does not create in the Department of  
58 Corrections, or its employees or agents, any new liability,  
59 express or implied, nor shall it create in the Department of  
60 Corrections any administrative authority or responsibility for the

61 construction, funding, administration or operation of county or  
62 other local jails or other places of confinement which are not  
63 staffed and operated on a full-time basis by the Department of  
64 Corrections. The correctional system under the jurisdiction of  
65 the Department of Corrections shall include only those facilities  
66 fully staffed by the Department of Corrections and operated by it  
67 on a full-time basis.

68 (7) An offender returned to a county for post-conviction  
69 proceedings shall be subject to the provisions of Section 99-19-42  
70 and the county shall not receive the per day allotment for such  
71 offender after the time prescribed for returning the offender to  
72 the Department of Corrections as provided in Section 99-19-42.

73 SECTION 2. This act shall take effect and be in force from  
74 and after July 1, 2001.